

IN RE: PETITION FOR ZONING VARIANCE  
SE/8 Philadelphia Road, 35' SW  
of the c/y of Baron Place  
(9623 Philadelphia Road)  
15th Election District  
6th Councilmanic District  
Fellner General Partnership  
Petitioner

\* BEFORE THE  
\* ZONING COMMISSIONER  
\* OF BALTIMORE COUNTY  
\* Case No. 90-436-A

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioner herein requests a variance to permit a double-faced, freestanding, illuminated sign of 66 sq.ft. per side (132 sq.ft. total) in lieu of the maximum permitted 1 sq.ft. on the subject property located in a residential zone, in accordance with Petitioner's Exhibit 2.

The Petitioner, by Joseph M. Fellner, General Partner, appeared and testified. Also appearing on behalf of the Petition was Nick Commodari Land Planner, and Paul Sunderland. Appearing as Protestants in the matter were Marie Q. Simoes, Gloria J. Turner and Jean Chryst.

Testimony indicated that the subject property, known as 9623 Philadelphia Road, consists of 4.013 acres more or less, split D.R. 16 and M.L.-I.M., and is improved with a 4,962 sq.ft. warehouse which serves as the headquarters for the A & J Electric Company, Inc. Petitioner is desirous of installing a double-faced, illuminated, freestanding sign in accordance with that depicted in Petitioner's Exhibit 2. Testimony indicated that the subject building sits back from Philadelphia Road approximately 300 feet and that Petitioner's customers have difficulty locating the site. The proposed sign will stand 18 feet high from grade and will be surrounded at its base with a brick flower planter as indicated in Petitioner's Exhibit 2.

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Mr. Commodari testified that in his opinion, the Petitioner will suffer undue hardship and practical difficulty should the requested variance be denied.

Mrs. Chryst appeared as a Protestant and testified that she has lived in this area for the past 42 years and lives approximately 1/4 mile from the subject site. She testified that while she recognizes the Petitioner's need for a business identification sign on the subject site, she believes that a much smaller, non-illuminated sign will adequately identify Petitioner's business and lessen its impact on the community.

Mrs. Turner and Mrs. Simoes also appeared as Protestants and echoed the same concerns as Mrs. Chryst.

An area variance may be granted where strict application of the zoning regulations would cause practical difficulty to the Petitioner and his property. McLean v. Soley, 270 Md. 208 (1973). To prove practical difficulty for an area variance, the Petitioner must meet the following:

- 1) whether strict compliance with requirement would unreasonably prevent the use of the property for a permitted purpose or render conformance unnecessarily burdensome;
- 2) whether the grant would do substantial injustice to applicant as well as other property owners in the district or whether a lesser relaxation than that applied for would give substantial relief; and
- 3) whether relief can be granted in such fashion that the spirit of the ordinance will be observed and public safety and welfare secured.

Anderson v. Bd. of Appeals, Town of Chesapeake Beach, 22 Md. App. 28 (1974).

It is clear from the testimony that if a variance is granted, such use as proposed would not be contrary to the spirit of the B.C.Z.R. and would not result in substantial detriment to the public health, safety,

- 2 -

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and general welfare. However, while recognizing that Petitioner is entitled to and does, in fact, need a business identification sign on the subject site, the relief requested is far beyond that needed and in the opinion of the Zoning Commissioner, is incompatible with the surrounding community. Therefore, the Petitioner's request shall be granted in part.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the variance requested should be granted in part.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 2/20 day of May, 1990 that the Petition for Zoning Variance to permit a double-faced, freestanding, illuminated sign of 66 sq.ft. per side (132 sq.ft. total) in lieu of the maximum permitted 1 sq.ft. on the subject property located in a residential zone, in accordance with Petitioner's Exhibit 2, be and is hereby DENIED; and,

IT IS FURTHER ORDERED that a freestanding, double-faced business sign of 15 sq.ft. per side (30 sq.ft. total), with a maximum height of 5 feet, be and is hereby GRANTED, subject, however, to the following restrictions which are conditions precedent to the relief granted:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The subject sign shall not be illuminated.

3) Petitioner shall prepare a new sign plan to be submitted and approved by the Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Commissioner for final approval prior to the issuance of any permits.

- 3 -

MICROFILMED

4) Petitioner shall incorporate the subject sign into the proposed planter in accordance with that set forth in Petitioner's Exhibit 2.

JRB:bjb

J. Robert Haines  
Zoning Commissioner  
for Baltimore County

ORDER RECEIVED FOR FILING  
Date 5/20/90  
By JRB

MICROFILMED

#### PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: 90-436-A

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 413.1.1. to permit a double-faced, illuminated, freestanding sign of 66 square feet per side in lieu of the permitted sign of 1 square foot.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (Indicate hardship or practical difficulty)  
As with any business, a freestanding sign is needed along the street frontage in order to provide ample advertisement. However, due to the residential zoning of the subject property in this area, this request is required. An obvious hardship and practical difficulty would result if this request was not granted.

Due to the narrow width of the subject property, the sign as proposed is needed to provide ample notification to oncoming traffic.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/we do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this petition.

Contract Purchaser:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney for Petitioner:  
(Type or Print Name)  
Signature  
Address  
City and State  
Attorney's Telephone No.: 3410 WOODSTOCK AVE. 2358011  
Address 21213 Phone No. 28

Legal Owner(s):  
FELLNER GENERAL PARTNERSHIP  
Signature Richard L. Gropper  
(Type or Print Name)  
Signature  
(Type or Print Name)  
City and State  
Name, address and phone number of legal owner, contract purchaser or representative to be contacted  
Address 21213 Phone No. 28

ORDERED BY The Zoning Commissioner of Baltimore County, this 28 day of March, 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore County, on the 9 day of May, 1990, at 9:30 o'clock A.M.

J. Robert Haines  
Zoning Commissioner of Baltimore County

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#### SI-1 SIGNS GENERAL (CONTINUED)

##### D. Automobile dealerships--

with sales, service, parts and used cars, and possibly a second dealership for other makes or other types of cars, all on the same property, will be considered one business and only permitted 100 sq. feet of free standing signage pursuant to §413.2.f.

If the different operations of the dealership are contiguous with each other, but are located on separate recorded lots, the properties may be considered separate and therefore permitted 100 sq. feet of freestanding signs on each property, pursuant to the judgment of the zoning supervisor and/or Zoning Commissioner

##### E. Signs in Residential Zones--

1. Signs in residential zones (not including RO office use) for uses not specifically listed, i.e.  
convalescent homes private day care  
boarding/rooming homes boat yards  
camps, day camps marinas  
fishing, shellfishing riding stables  
funeral establishments kennels  
veterinarian's office animal boarding places

and other non-residential uses permitted as of right or by special exception are limited to one sq foot sign, unless in the judgment of the zoning supervisor and/or the Zoning Commissioner the sign is generic (without advertising) and/or public or quasi-public in nature, pursuant to §413.1.e.

2. Community building type uses, i.e., hospitals, conservatories, community care centers, volunteer fire company, public utility, cemeteries, and airports will be considered under §413.1.e for signage.

(see Grossfeld/Balit 83-10 ASPH Circuit Court- Judge Hinkel)

##### F. Flashing Signs are not Permitted Pursuant to § 413.1.

1. A changeable message board sign or a traveling message sign is also not permitted. Time and temperature and date only signs may be permitted in the judgment of the zoning supervisor and/or Zoning Commissioner. The primary justification for allowing these signs is that they perform a public service, and that the messages are not flashing rapidly, but are stationary for longer periods of time.

##### G. Posting of "sold" real estate signs are not permitted. §413.1.f only permits temporary real estate sale or lease signs.

MICROFILMED



Zoning Description  
for  
9623 Philadelphia Road

Located on the South side of Philadelphia Road approximately 35' Southwest of the centerline of Baron Place and running the following courses and distances:

S 42° 57' E 1146.50' thence  
S 46° 00' W 156.55' thence  
N 42° 30' W 1147.00' thence  
N 50° 30' E 148.25' to the place of beginning.

Containing 174806 square feet or 4.013 acres, more or less.  
Also known as 9623 Philadelphia Road



William H. Balitt, P.E.  
Md. Reg. No. 11641

MICROFILMED

Civil Engineers / Land Planners / Surveyors — 1249 Engleberth Road / Baltimore, Maryland 21221 / 301-391-2336

#### CERTIFICATE OF POSTING ZONING DEPARTMENT OF BALTIMORE COUNTY Towson, Maryland

District 15th Date of Posting 4/29/90  
Posted for: Variances  
Petitioner: Tellman General Partnership  
Location of property: 9623 Phil Rd., 35' SW Baron Plce  
Location of Sign: Posting of 1 sq. ft. sign on 10' x 10' sign  
Remarks: as proposed by P.H. Haines  
Posted by: M. Haines Date of return: 4/29/90  
Number of Signs: 1

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receipt  
No. 1626

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Date: 5/27/90

PUBLIC HEARING FEES: \$100.00  
ZONING VARIANCE (OTHER): \$175.00  
TOTAL: \$275.00

LAST NAME OF OWNER: FELLNER GENERAL PARTNERSHIP

Please make checks payable to: Baltimore County



Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

DATE APR 18 1990

Fellner General Partnership  
9623 Philadelphia Road  
Baltimore, Maryland 21237

ATTN: RICHARD L. GRACEY

Re: Petition for Zoning Variance  
CASE NUMBER: 90-436-A  
SE/S Philadelphia Road, 35' SW of c/l of Baron Place  
9623 Philadelphia Road  
15th Election District - 6th Councilmanic  
Petitioner(s): Fellner General Partnership  
HEARING: WEDNESDAY, MAY 9, 1990 at 9:30 a.m.

Gentlemen:  
Please be advised that \$ 105.46 is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE. DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to Baltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Towson, Maryland 21204 (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$59.00 added to the above amount for each such set not returned.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

JRH:gs



Dennis F. Rasmussen  
County Executive

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R001-6150  
Number

Receipt  
No. 2414

Date 5/08/90

199000791

PUBLIC HEARING FEES	QTY	PRICE
030 -POSTING SIGNS / ADVERTISING	1 X	\$105.46
TOTAL:		\$105.46

LAST NAME OF OWNER: FELLNER GENERAL

B 010\*\*\*\*\*1054614 3098F

Cashier Validation:

Please make checks payable to: Baltimore County

NOTICE OF HEARING  
The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:30 a.m.  
Petition for Zoning Variance  
Case number: 90-436-A  
SE/S Philadelphia Road, 35' SW of c/l of Baron Place  
9623 Philadelphia Road  
15th Election District - 6th Councilmanic  
Petitioner(s): Fellner General Partnership  
Hearing Date: Wednesday, May 9, 1990 at 9:30 a.m.  
Variance: To permit a double-faced illuminated freestanding sign of 66 sq. ft. per side in lieu of the permitted signage of 1 sq. ft. in a residential zone.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
NJ49114 Apr. 12

### CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 12, 1990.

NORTHEAST TIMES BOOSTER and the  
NORTHEAST TIMES REPORTER

*S. Zate Olson*  
Publisher

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 at 9:30 a.m.  
Petition for Zoning Variance  
Case number: 90-436-A  
SE/S Philadelphia Road, 35' SW of c/l of Baron Place  
9623 Philadelphia Road  
15th Election District - 6th Councilmanic  
Petitioner(s): Fellner General Partnership  
Hearing Date: Wednesday, May 9, 1990 at 9:30 a.m.  
Variance: To permit a double-faced illuminated freestanding sign of 66 sq. ft. per side in lieu of the permitted signage of 1 sq. ft. in a residential zone.  
In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in the office by the date of the hearing set above or presented at the hearing.  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County  
NJ49114 Apr. 12

### CERTIFICATE OF PUBLICATION

TOWSON, MD., April 12, 1990  
THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on April 12, 1990.

THE JEFFERSONIAN,

*S. Zate Olson*  
Publisher

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

March 26, 1990

### NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance  
CASE NUMBER: 90-436-A  
SE/S Philadelphia Road, 35' SW of c/l of Baron Place  
9623 Philadelphia Road  
15th Election District - 6th Councilmanic  
Petitioner(s): Fellner General Partnership  
HEARING: WEDNESDAY, MAY 9, 1990 at 9:30 a.m.

Variance: To permit a double-faced illuminated freestanding sign of 66 sq. ft. per side in lieu of the permitted signage of 1 sq. ft. in a residential zone.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permit during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner of Baltimore County

cc: Fellner General Partnership  
Nicholas Commodari



Dennis F. Rasmussen  
County Executive

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

May 21, 1990

Mr. Joseph M. Fellner  
9623 Philadelphia Road  
Baltimore, Maryland 21237

RE: PETITION FOR ZONING VARIANCE  
SE/S Philadelphia Road, 35' SW of the c/l of Baron Place  
(9623 Philadelphia Road)  
15th Election District - 6th Councilmanic District  
Fellner General Partnership - Petitioner  
Case No. 90-436-A

Dear Mr. Fellner:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

*J. Robert Haines*  
J. ROBERT HAINES  
Zoning Commissioner  
for Baltimore County

JRH:bjs

cc: Mrs. Jean Chryst  
9911 Philadelphia Road, Baltimore, Md. 21237

Mrs. Marie Q. Simoes  
1314 Spotswood Road, Baltimore, Md. 21237

Mrs. Gloria J. Turner  
9226 Ravenwood Road, Baltimore, Md. 21237

People's Counsel

File



Dennis F. Rasmussen  
County Executive

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner

April 30, 1990

Mr. Richard L. Gracey  
Fellner General Partnership  
9623 Philadelphia Road  
Baltimore, MD 21237

RE: Item No. 302, Case No. 90-436-A  
Petitioner: Fellner General Partnership  
Petition for Zoning Variance

Dear Mr. Gracey:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Very truly yours,

*James E. Dyer*  
JAMES E. DYER  
Chairman  
Zoning Plans Advisory Committee

JED:jw

Enclosures

cc: Mr. Nicholas Commodari  
3410 Woodstock Avenue  
Baltimore, MD 21213



Dennis F. Rasmussen  
County Executive

Baltimore County  
Zoning Commissioner  
Office of Planning & Zoning  
Towson, Maryland 21204  
(301) 887-3353

J. Robert Haines  
Zoning Commissioner



Dennis F. Rasmussen  
County Executive

Your petition has been received and accepted for filing this  
28th day of March, 1990.

*J. Robert Haines*  
J. ROBERT HAINES  
ZONING COMMISSIONER

Received By:

*James E. Dyer*  
Chairman,  
Zoning Plans Advisory Committee

Petitioner: Fellner General Partnership, et ux

Petitioner's Attorney:



Maryland Department of Transportation  
State Highway Administration

March 29, 1990

RECEIVED  
APR 2 1990

ZONING OFFICE

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Re: S/S Philadelphia Road, US7,  
35' West of Baron Place,  
Baltimore County Zoning  
Item #302.

Dear Mr. Haines:

On March 28, 1990, I made an on-site inspection, and reviewed the plans submitted concerning the above subject. The sign as located on the plans is considered an on-premise sign. Unless the sign presents a traffic hazard, this office has no jurisdiction over on-premise signs.

We have no objections to the location of the sign as per plans submitted. The sign shall not project into the State's Right-of-Way.

Sincerely,

*George F. Dawson*  
George F. Dawson, Chief  
Highway Beautification Section

GTD:jsk

My telephone number is (301) 333-1641

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-492-8882 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717





Maryland Department of Transportation  
State Highway Administration

Richard H. Trainor  
Secretary  
Hal Kassoff  
Administrator

March 21, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204  
Att: James Dyer

RE: Baltimore County  
A & J Electric  
Fellner General Partnership  
Zoning meeting 3/27/90  
S/S Philadelphia Road  
US 7  
35' west of Baron Place  
Item #302

Dear Mr. Haines:

After reviewing the submittal for a variance to permit a double faced illuminated free standing sign of 66 square feet per side in lieu of the permitted signage of one square foot, we have forwarded this plan to our Highway Beautification Section C/O George Dawson (333-1642), for all comments relative to zoning.

If you have any questions, contact Larry Brocato (333-1350).

Very truly yours,

*Charles Rose*  
Charles Rose, Acting Chief  
Engineering Access Permits  
Division

LE/es

cc: Bafitis and Associates Inc.  
George Dawson w/att.

RECEIVED  
MAR 23 1990  
ZONING OFFICE

My telephone number is (301) 333-1350

Teletypewriter for Impaired Hearing or Speech  
383-7555 Baltimore Metro - 565-0451 D.C. Metro - 1-800-482-5062 Statewide Toll Free  
707 North Calvert St., Baltimore, Maryland 21203-0717

Baltimore County  
Fire Department  
Towson, Maryland 21204-2586  
494-4500

Paul H. Reincke  
Chief

MARCH 21, 1990



Dennis F. Rasmussen  
County Executive

J. Robert Haines  
Zoning Commissioner  
Office of Planning and Zoning  
Baltimore County Office Building  
Towson, MD 21204

RE: Property Owner: FELLNER GENERAL PARTNERSHIP  
Location: #9623 PHILADELPHIA ROAD

Item No.: 302 Zoning Agenda: MARCH 27, 1990

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

7. The Fire Prevention Bureau has no comments at this time.

Noted and Approved  
REVIEWER: *John W. Kelly* 3-27-90 *Captain W. Brady*  
Planning Group Fire Prevention Bureau  
Special Inspection Division

JK/KEK

MAR 27 1990

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: J. Robert Haines  
Zoning Commissioner

DATE: April 17, 1990

FROM: Pat Keller, Deputy Director  
Office of Planning and Zoning

SUBJECT: Fellner General Partnership

INFORMATION:

Item Number: 302  
Property Location: SW/S Philadelphia Road  
Property Size: 4.013 acres  
Zoning: DR 5.5, ML-IM  
Hearing Date: May 9, 1990

SUMMARY AND RECOMMENDATIONS

The Petitioner requests a Variance to permit a double faced illuminated freestanding sign of 66 sq. ft. per side in lieu of the permitted signage of 1 sq. ft.

In reference to the Petitioner's request, staff offers the following comments:

- The D.R. portion of the property is zoned DR 5.5, not DR 16 as indicated on the plat.
- Kings Court, a development of single-family attached dwellings, is located directly opposite the site on Philadelphia Road.

The request for a freestanding business sign at this location is appropriate because the existing building on site is located approximately 300 ft. from Philadelphia Road. However, the scale of the sign proposed by the Petitioner is inappropriate. Due to the residential character of the northwest side of Philadelphia Road, the requested sign should be reduced in size to ensure compatibility with the adjacent residential area.

MAR 18 1990

Fellner General Partnership, Item 302  
Page 2  
April 17, 1990

Should the Petitioner's request be granted, staff recommends that any sign erected comply with the requirements specified for office building identification signs in the O-1 zone. (See Section 204.3.C.3.b. of the B.C.Z.R.).

In addition, the Petitioner shall file a landscape plan with the Deputy Director of the Office of Planning and Zoning prior to the issuance of a sign permit.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm

Baltimore County  
Department of Public Works  
Bureau of Traffic Engineering  
County Office Building  
Towson, Maryland 21204  
(301) 887-3554



Dennis F. Rasmussen  
County Executive

March 23, 1990

Mr. J. Robert Haines  
Zoning Commissioner  
County Office Building  
Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 293, 294, 295, 296, 297, 298, 299, 301, 302, 303, 304, 305, and 306.

Very truly yours,

*Michael S. Flanigan*  
Michael S. Flanigan  
Traffic Engineer Assoc. II

MSF/lw

RECEIVED  
MAR 27 1990  
ZONING OFFICE

9911 Philadelphia Rd.  
Baltimore, Maryland 21237  
April 25, 1990

J. Robert Haines  
Zoning Commissioner of Baltimore County  
County Office Building  
Towson, Maryland 21204

Re: Petition for Zoning Variance  
Case #90-436-A  
Fellner General Partnership

Dear Sir:

Subject variance has been requested to permit a double faced illuminated sign of 66 sq. ft. per side on the SE/S Philadelphia Rd., 9623 Philadelphia Rd.

I am strongly opposed to an ILLUMINATED sign and 66 sq. ft. seems terribly large to fit in with the neighborhood.

I do feel the businesses locating in the area need signs but would prefer some standardization of size much less than 66 sq. ft. and that illuminated signs NOT be permitted, otherwise the corridor of Philadelphia Rd. will look like Las Vegas!!

Thank you.

Very truly yours,

*Jean Chryst*  
Jean Chryst

RECEIVED  
APR 25 1990  
ZONING OFFICE

1314 Spotswood Road  
Baltimore, MD 21237  
April 22, 1990

Mr. J. Robert Haines  
Zoning Commissioner of Baltimore County  
County Office Building  
401 Bosley Avenue  
Towson, MD 21204

Dear Mr. Haines:

In behalf of the residents of Nottingham of Philadelphia Road, I wish to request a rejection of the petition for a zoning variance in case number 90-436-A.

According to the notice in the Northeast Times Booster of April 11, 1990, the variance will permit a double-faced illuminated free-standing sign of 66 sq. ft. in lieu of the permitted signage of 1 sq. ft. in a residential area. We oppose the variance on the basis of both its size and illumination. The A & J Electric Company has residences on both sides of its location. In addition, the company faces the community of Kings Court. Illumination is unnecessary for a business operating normal work hours rather than twenty-four hours. Illumination also would be detrimental to the residents and to the general appearance of the area. Also, the size of this sign is unnecessary to establish the location of the company.

According to the detailed drawing of this proposed sign, the elevation will be 18 ft. which is also unacceptable to residents of Nottingham. The sign will also be 12 ft. long and 4 ft. wide with an elevated logo of several feet. A sign of this type is far too ostentatious and large to fit tastefully into an established residential community.

At the present time, residents of several communities in the area of this company are working in an advisory capacity with Dennis Wertz to establish guidelines for the advent of industry into this residential area. Certainly, with forethought, planning, and regulation, such coexistence can function very well. An example of effective signage, A & J Electric can be referred to signs for Uterly Trucking, Baltimore Rigging, and Route 7 Business Park. These signs are not elevated, not illuminated, and a reasonable size.

We strongly oppose this petition and plan to attend the hearing on May 9. If necessary, we shall present our points of view. We appreciate your consideration of our request.

Sincerely,

*Marie Q. Simoes*  
Marie Q. Simoes  
Vice-President  
Nottingham Improvement Assoc.

RECEIVED  
APR 25 1990  
ZONING OFFICE



PLEASE PRINT CLEARLY

PETITIONER(S) SIGN-IN SHEET

NAME

ADDRESS

*Nick Commodari*  
*Joseph M. Fellner*  
*Civil Engineer*

*5212 Woodstock Ave 21213*  
*5 Colonial Oaks Ct 21131*  
*4622 Harwood Ave 21206*

PROTESTANT(S) SIGN-IN SHEET

NAME

ADDRESS

*Marie A. Simoes*  
*GLORIA J. TURNER*  
*JENN CHRYST*

*1314 Spotswood Rd. 21227*  
*9226 RAVENWOOD RD 21237*  
*9911 Philadelphia Rd 21237*

PETITIONER(S) EXHIBIT (5)



A & J Electric Company, Inc.

ELECTRICAL SERVICE AND CONSTRUCTION  
9623 PHILADELPHIA ROAD  
BALTIMORE, MARYLAND 21237  
(301) 687-5151 • FAX (301) 687-2695  
May 8, 1990

Mr. J. Robert Haines,  
Zoning Commissioner

RE: Case No. 90-436A

We, the undersigned, give permission to Joseph M. Fellner, General Partner in Fellner General Partnership, to represent the partnership's interest in the above captioned case.

FELLNER GENERAL PARTNERSHIP

*Joseph M. Fellner*  
Joseph M. Fellner

*Andros A. Fellner*  
Andros A. Fellner

*Michael J. Fellner*  
Michael J. Fellner

*Richard T. Grady*  
Richard T. Grady

*William T. Hammond III*  
William T. Hammond III

*Wayne B. Adams*  
Wayne B. Adams

JMF/ad

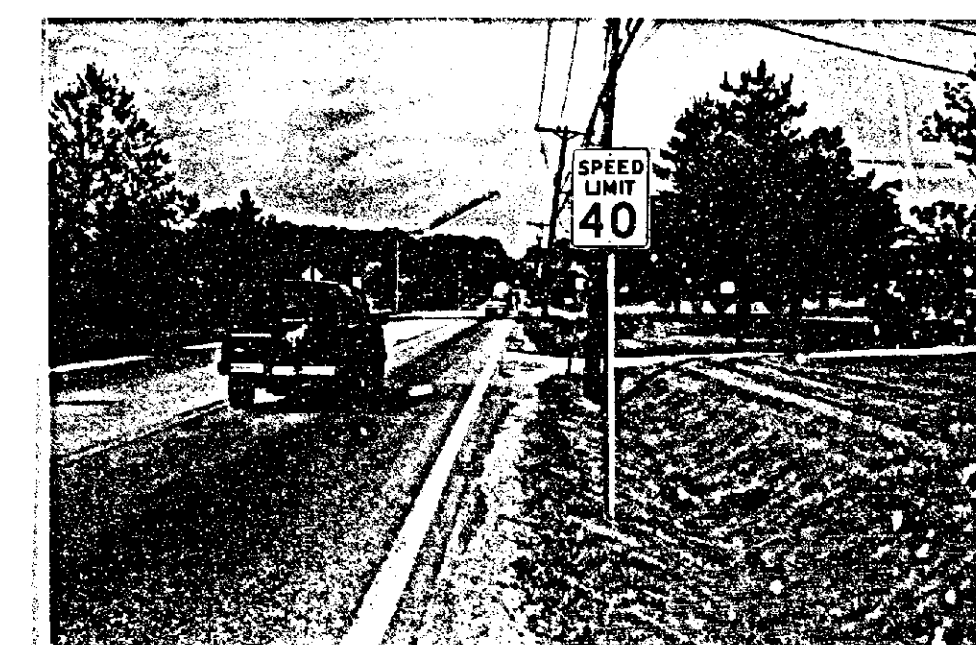
**PETITIONER'S  
EXHIBIT 1**

90-436A

PETITIONER(S) EXHIBIT (3)



PETITIONER(S) EXHIBIT (4)



*THE  
Circuit*

KING'S COURT CONDOMINIUM ASSOCIATION  
SECTION I  
P.O. BOX 91  
WHITE MARSH, MD. 21162

Mr. Joseph Felner  
A&J Electric Co.  
9623 Philadelphia Rd.  
Rossville, Md. 21237

January 19, 1990

Dear Mr. Felner,

On January 9, 1990 at the monthly meeting of the King's Court Condominium Association #1 the board of directors discussed your proposal to erect a sign, on your property, adjacent to Philadelphia Road.

Dimensions, location and design were discussed at length. A vote was called for and taken.

The board concurred in it's opinion. We have no objection to your company seeking a zoning variance for the purpose of siting the sign as presented to me by your representatives.

If I can be of further assistance, please feel free to call me.

**PETITIONER'S  
EXHIBIT 6**

President KCCA #1

May 8, 1990

Mr. J. Robert Haines,  
Zoning Commissioner  
111 W. Chesapeake Avenue  
Towson, Maryland 21204

RE: Case No. 90-436-A

Dear Mr. Haines:

Please be advised that on Tuesday, May 8, 1990, I had a meeting with Mr. Jeffrey Long of the Planning Office regarding his comments in the above referenced matter. At this meeting, I presented pictures of the subject property showing landscaping that has been planted and also the new paving and striping of the parking area.

In addition, I also presented a copy of a letter dated January 19, 1990, from Mr. Ron Garrett, President of the Kings Court Condominium Association, Section I, to Mr. Joseph M. Fellner, President of A & J Electric Company, Inc., indicating that the proposed sign was not objectionable to his association.

In view of the above facts and the agreed to stipulation that the bottom of the sign base would be landscaped, Mr. Long's office has no objection to the request as originally presented.

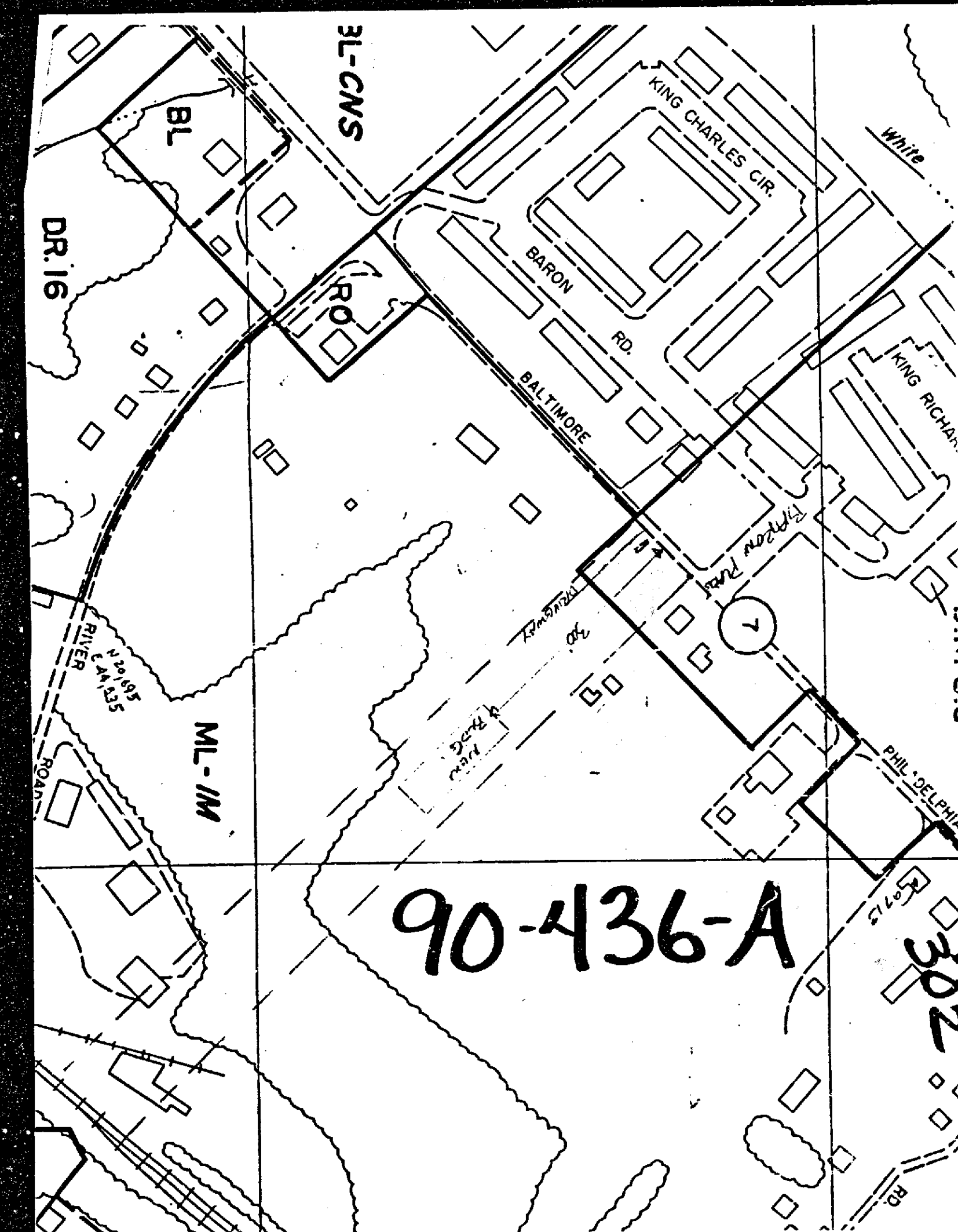
If you have any questions, please feel free to contact Mr. Jeffrey Long.

Sincerely,

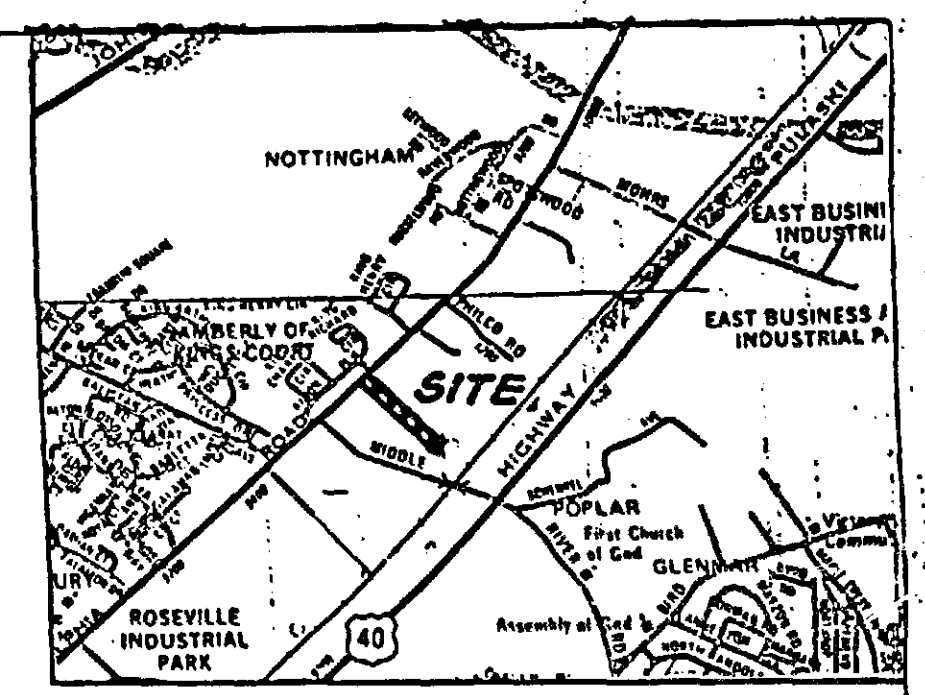
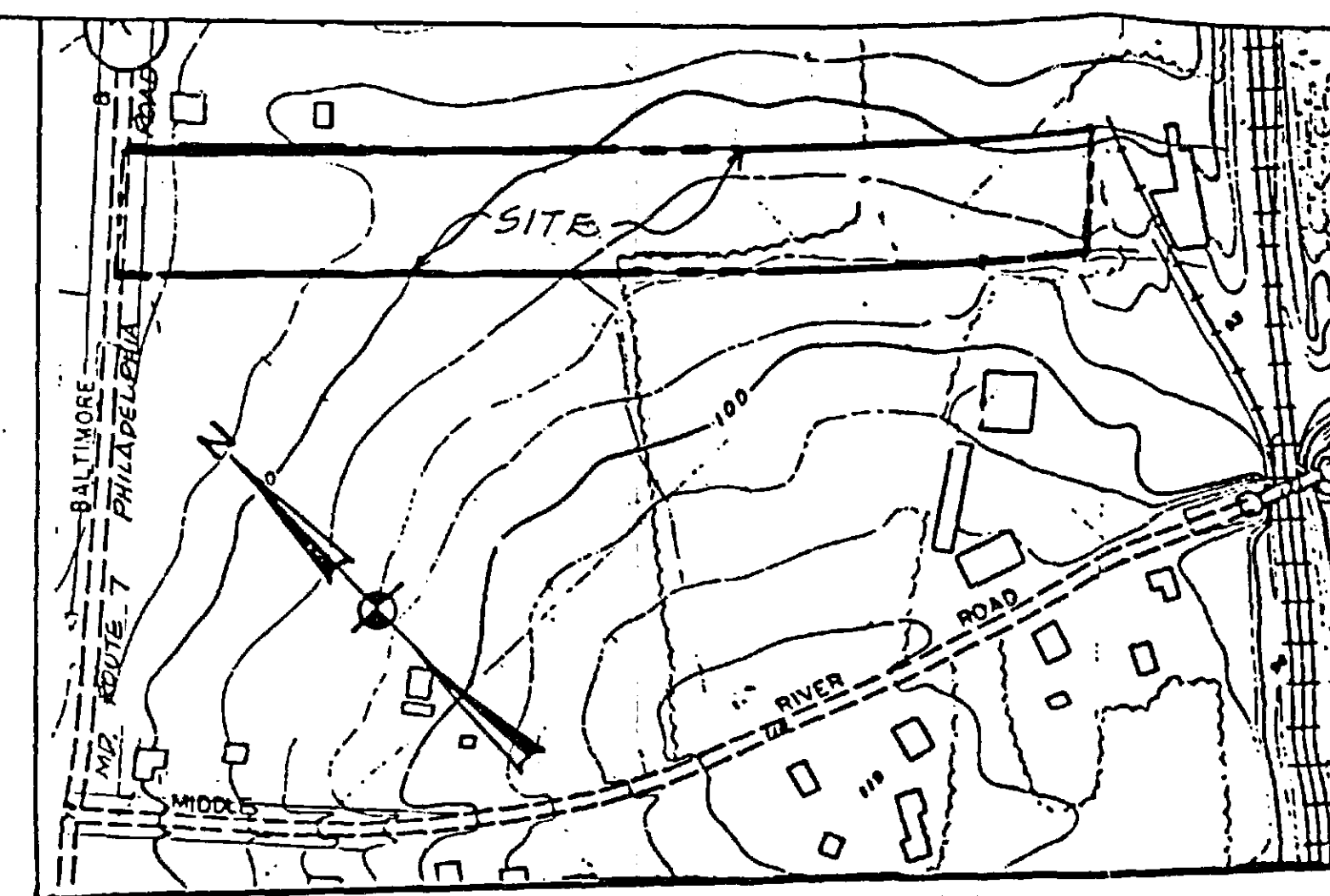
*Nicholas Commodari*  
Nicholas Commodari

NC/ad  
copy: Jeffrey Long

**PETITIONER'S  
EXHIBIT 7**

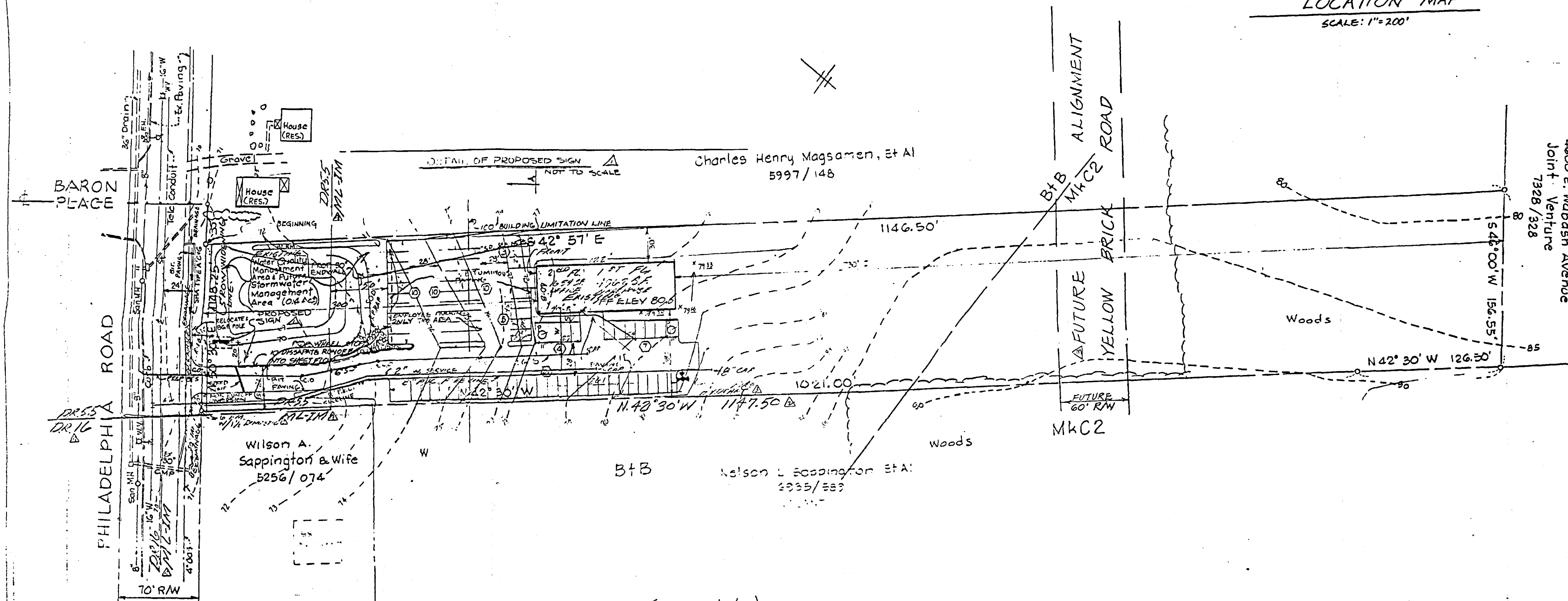






**GENERAL NOTES:**  
 1. OWNER: AMBROS & JOSEPH FELLNER  
 9623 PHILADELPHIA RD.  
 SHIPTON, MD. 21237 / 687-5151

- 2. ELECTION DISTRICT: 14
- 3. ZONED: PK-16; ML-1M
- 4. DEED REFERENCE 5997/146 (OLD DEED)
- 5. AREA: 4.013 ACS ±
- 6. TAX ACCOUNT NO. 15-13-204420 (OLD 16)
- 7. REFERENCE DRAWINGS:  
 WATER - 66-148  
 SEWER - 74-1017



## PETITIONER'S EXHIBIT 2

90-436A

C.R.G. WAIVER NO. W-88-205

William N. Baftis, P.E.  
 301-391-2336  
 Baftis & Associates, Inc.  
 Civil Engineers / Land Planners / Surveyors  
 1249 Englebert Rd. Baltimore, Md. 21221

PLAT  
 TO ACCOMPANY PETITION FOR  
 ZONING VARIANCE FOR  
 A & J ELECTRIC  
 9623 PHILADELPHIA RD.

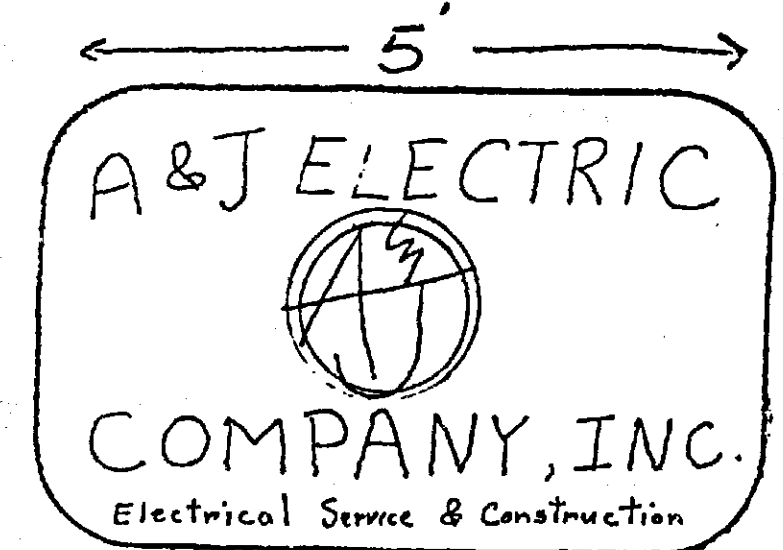
ELECTION DISTRICT 15 II BALTIMORE CO., MARYLAND

	SCALE 1" = 50'
	JOB ORDER NO. 86010
	DATE FEB. 14, 1990

NO	REVISIONS	DATE
1	PLAT TO ACCOMPANY PETITION FOR ZONING VARIANCE	2-14-90
2	VARIANCE	3-2-90
3	PERMIT, FEES, DISTANCE AND OWNER'S ADDRESS	3-2-90
4	SIGN AREA	5-2-90
5	ZONING LINE	

CASE # 90-436-A (granted 5/21/90)

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.
- 2) The subject sign shall not be illuminated.
- 3) Petitioner shall prepare a new sign plan to be submitted and approved by the Deputy Director of Planning. A copy of the approved plan shall be submitted to the Zoning Commissioner for final approval prior to the issuance of any permits.
- 4) Petitioner shall incorporate the subject sign into the proposed planter in accordance with that set forth in Petitioner's Exhibit 2.



O.K. 6-13-90  
 This sign looks good!  
 6/12/90  
 AFGH

Dark brick (reds) should be used in base.

Prop. DF Non-Illuminated Sign - A+J Electric Co., Inc.

